

The House Committee on State Institutions and Property offers the following substitute to HB 816:

A BILL TO BE ENTITLED
AN ACT

1 To establish the "Georgia Buy American Act"; to amend Part 1 of Article 3 of Chapter 5 of
2 Title 50 of the Official Code of Georgia Annotated, relating to general authority, duties, and
3 procedure relative to state purchasing, so as to provide a short title; to define certain terms;
4 to provide for a preference for the purchase of products made in or produced in the United
5 States; to provide for related matters; to provide for an effective date and applicability; to
6 repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 This Act shall be known and may be cited as the "Georgia Buy American Act."

10 **SECTION 2.**

11 Part 1 of Article 3 of Chapter 5 of Title 50 of the Official Code of Georgia Annotated,
12 relating to general authority, duties, and procedure relative to state purchasing, is amended
13 by revising Code Section 50-5-60, relating to preference to supplies, equipment, materials,
14 and agricultural products produced in Georgia generally and determination as to
15 reasonableness of preference, as follows:

16 "50-5-60.

17 (a) The state and any department, agency, or commission thereof, when contracting for or
18 purchasing supplies, materials, equipment, or agricultural products, excluding beverages
19 for immediate consumption, shall give preference as far as may be reasonable and
20 practicable to such supplies, materials, equipment, and agricultural products as may be
21 manufactured or produced in this state. Such preference shall not sacrifice quality.

22 (b) The state and any department, agency, commission, board, or authority thereof, when
23 contracting for or purchasing supplies, materials, equipment, or agricultural products, shall
24 give preference as far as may be reasonable and practicable to such supplies, materials,
25 equipment, and agricultural products as may be manufactured or produced in the United

26 States; provided, however, that such preference for United States products shall not
 27 override or negate the preference for Georgia products provided for in subsection (a) of this
 28 Code section, such Georgia preference remaining paramount.

29 (c) Vendors resident in the State of Georgia are to be granted the same preference over
 30 vendors resident in another state in the same manner, on the same basis, and to the same
 31 extent that preference is granted in awarding bids for the same goods or services by such
 32 other state to vendors resident therein over vendors resident in the State of Georgia.

33 ~~(e)~~(d) In determining whether ~~such~~ a preference for Georgia products is reasonable in any
 34 case where the value of a contract for or purchase of such supplies, materials, equipment,
 35 or agricultural products exceeds \$100,000.00, the state or its department, agency, or
 36 commission shall consider, among other factors, information submitted by the bidder which
 37 may include the bidder's estimate of the multiplier effect on gross state domestic product
 38 and the effect on public revenues of the state and the effect on public revenues of political
 39 subdivisions resulting from acceptance of a bid or offer to sell Georgia manufactured or
 40 produced goods as opposed to out-of-state manufactured or produced goods. Any such
 41 estimates shall be in writing. These same considerations related to the effect on the gross
 42 domestic product and on the revenues of the United States shall be considered when
 43 determining whether a preference for United States products over products of foreign
 44 countries is reasonable in cases where the value of a contract for or purchase of such
 45 supplies, materials, equipment, or agricultural products exceeds \$100,000.00.

46 (e) The state or its department, agency, or commission shall not divide a contract or
 47 purchase which exceeds \$100,000.00 for the purpose of avoiding the requirements of this
 48 subsection.

49 ~~(d)~~(f) Nothing in this Code section shall negate the requirements of Code Section 50-5-73
 50 Nothing in this Code section shall contravene any treaty or law of the United States."

51 **SECTION 3.**

52 This Act shall become effective on July 1, 2012, and shall apply to contracts entered into on
 53 or after such date.

54 **SECTION 4.**

55 All laws and parts of laws in conflict with this Act are repealed.